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Docket No. SPLX.P0014

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Man Ageli

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Steven Teig

Serial No.: 09/739,589

Filing Date: 12/15/00

For: METHOD AND APPARATUS FOR  
PRE-COMPUTING AND USING  
MULTIPLE PLACEMENT COST  
ATTRIBUTES TO QUANTIFY THE  
QUALITY OF A PLACEMENT  
CONFIGURATION WITHIN A  
PARTITIONED REGION

**PETITION UNDER 37 CFR § 1.137(B)/(F)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

JUN 09 2003

Dear Sir:

OFFICE OF PETITIONS

Applicants hereby petition the Commissioner to revive, if necessary, the above-identified application and accept a modified Request to Rescind Previous Nonpublication Request under 35 U.S.C. § 122(b)(2)(B)(ii) (referred to below as the "revised Request to Rescind"). To comply with 35 U.S.C. §122 and 37 CFR 1.213, Applicants previously submitted a Request to Rescind Previous Non-Publication Request (referred to below as the "original Request to Rescind"), within forty-five days of filing a PCT application claiming priority to the above-identified

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application's parent application (U.S. App 09/732,181) with the same exact specification as the above-mentioned application. The original Request to Rescind was the Patent Office form PTO/SB/36, version 11-00.

Applicants' attorney recently reviewed Deputy Commissioner Kunnin's "Reminder that Rescission of a Nonpublication Request is not Itself a Notice of Foreign Filing." *See* OG Notices: 06 May 2003. This reminder reminds applicants that a Rescission of a Nonpublication Request does not operate as a Notice of Foreign filing, and encourages applications to use Patent Office form PTO/SB/36, version April 2001 to rescind a Nonpublication Request as this form also contains a notice regarding foreign filing. Applicants' attorney have also recently reviewed a Notice Regarding Rescission of Nonpublication Request that the Applicants received in another case. This Notice identifies Patent Office form PTO/SB/36, version 10/01 as the proper form to use to rescind a nonpublication request and to provide notice of foreign filing.

As mentioned above, Applicants submitted a previous version of the Patent Office form PTO/SB/36 (i.e., the 11-00 version). Applicants have realized that this previous version does not contain a notice of foreign filing. Applicants, therefore, have enclosed the revised Request to Rescind, which includes the required notice of foreign filing. Applicants have also enclosed a credit card payment form authorizing the required petition fee. Applicants have further enclosed a Declaration In Support of the Petition Under 37 CFR § 1.137(b)/(f). Applicants have also enclosed a copy of the original Request to Rescind and a copy of the postcard accompanying the original Request to Rescind.

Applicants respectfully submit that the entire delay for failure to submit the modified Request to Rescind with the requisite notice of foreign filing was unintentional. Under 35 USC § 122(b)(2)(B)(iii), Applicants request revival, if necessary, of the above-identified application and acceptance of the modified Request to Rescind and this petition.

Applicants petition for any other relief required for the allowance of this petition and hereby authorize the Commissioner to charge any additional cost associated with this petition to **Deposit Account No. 50-1128** referencing SPLX.P0014.

Dated: June 3, 2003

Respectfully submitted,

By: \_\_\_\_\_

  
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